

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FITCHBURG GAS AND ELECTRIC
LIGHT COMPANY

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D.T.E. 02-55

**MOTION OF FITCHBURG GAS AND ELECTRIC LIGHT COMPANY
FOR PROTECTIVE TREATMENT**

NOW COMES Fitchburg Gas and Electric Light Company ("FG&E") and respectfully requests that the Department of Telecommunications and Energy ("Department") grant it protection from public disclosure over certain confidential, competitively sensitive and proprietary information submitted in this proceeding in accordance with G.L. c. 25, § 5D. In support of its Motion, FG&E states:

1. On September 18, 2002, FG&E filed revised tariffs and schedules to implement proposed changes to its Gas Division rates and charges.
2. On October 7, 2002, the Division of Energy Resources filed information requests of FG&E.
3. In particular to this Motion, DOER sought the following:

Request No. DOER-1-14:

The Company states, on page 58 of 152 (page 52) of the Department approved 2000 Integrated Resource Plan; Exhibit FGE-DBD-4; (the "Plan") "The Company continues to utilize this same RFP process on a semiannual basis to procure additional liquid and vapor supplies. The process includes evaluation of resources in three phases as follows: 1) Drafting and issuance of an RFP and receipt of supplier bids; 2) selection of a short list of suppliers from the bids submitted;

and 3) negotiation with listed suppliers and selection of winning proposals.” Please provide all of the information elicited and maintained by the Company during these phases, prior to making the decision on the combination of Zone 6 to 6 Tennessee capacity and the Sprague gas supply.

4. FG&E requests protection of this information from public disclosure pursuant to Chapter 25, Section 5D of the General Laws of Massachusetts. G.L. c. 25, § 5D is specifically designed to protect against disclosure of competitively sensitive information. That provision, in part, provides:

[T]he [D]epartment may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

G.L. c. 25, § 5D.

5. FG&E's confidential information regarding the results of the bid process resulting in the prices of its existing gas supplies should be protected from public disclosure because it is commercial, competitively sensitive and proprietary information. See Western Massachusetts Elec. Co., D.T.E. 99-56 at 5 (1999)((the economic analysis to evaluate buy-out proposals is competitively sensitive and proprietary); Fitchburg Gas and Elec. Light Co., D.T.E. 98-121 at 4 (1999) (divestiture bid prices deemed competitively sensitive); Berkshire Gas Company, D.P.U./D.T.E. 96-105 at 3 (1998)(price comparisons that the Company conducted to determine

the contract's cost effectiveness are confidential). The material sought protection (Attachment DOER 1-14(B)) is FG&E's evaluation of the competing supply bids resulting from its RFP. This clearly falls within established Department precedent and is worthy of protection.

6. In addition, FG&E seeks protection over certain electronic communications between its Energy Supply Group and potential bidders which are provided for the limited purpose of demonstrating to DOER the lengths to which FG&E solicited additional marketer interest in both its supply needs and available capacity. The tenor and content of these communications, provided at DOER 1-14(C), are proprietary communications that evidence potential dealings and negotiations, the disclosure of which would jeopardize the competitiveness of the markets in which FG&E purchases natural gas commodity and transportation. Disclosure of this information would be detrimental to FG&E's bargaining position in future negotiations and would have a chilling effect on potential bidders who may decide not to bid in the future. Ultimately this would negatively impact the robustness of FG&E's solicitation, and FG&E's customers would see it in the price they bear for Default Service.

7. The negotiations for FG&E's natural gas supply (much like its default service supply) are not public, and necessarily contain proposed price and non-price terms, and are not made public within or without the Company. Were marketers to perceive that their interim negotiations would be publicly disclosed, they would not be as forthcoming with offers and negotiations through an electronic format. Therefore, in order to assure competitiveness in the

market, FG&E seeks Department protection over public disclosure of these negotiations as set out in Attachment DOER 1-14(C).

8. Disclosure of financial or price terms of transportation and supply would alert a potential seller of gas of FG&E's assessment of the market and the existing prices in its portfolio, and could jeopardize FG&E's current and future attempts to obtain the lowest price for its gas supplies. Furthermore, competitors would know how FG&E conducts its economic analysis for the cost effectiveness of the various elements of its transportation and supply portfolio, and therefore, undermine the level of competition, contrary to Department precedent.

9. This confidential, commercially, sensitive and proprietary information is the type of information that the Department may protect from public disclosure pursuant to G.L. c. 25, § 5D, and is the type of information that the Department previously has recognized is appropriate for protection.

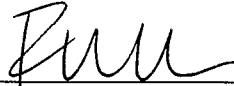
WHEREFORE, Fitchburg Gas and Electric Light Company respectfully requests that the Department of Telecommunications and Energy grant its Motion for Protective Treatment as stated herein, and protect from public disclosure the economic analysis and communications

evidencing negotiations with suppliers as contained in Attachments DOER-1-14 (B) and DOER 1-14(C).

Respectfully submitted,

**FITCHBURG GAS AND ELECTRIC
LIGHT COMPANY**

By its attorneys,



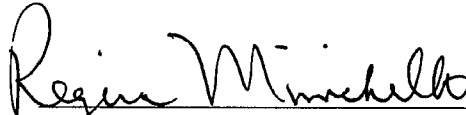
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Dated: October 28, 2002

CERTIFICATION

I, Regina Minichello, certify that I served a copy of Division of Energy Resources First Set of Information Request and a Motion for Protective Treatment for material contained in FG&E's Response to DOER-1-14, Attachment B and C in Fitchburg Gas and Electric Light Company, D.T.E. 02-55 as provided by the Department of Telecommunications and Energy.

Date at Boston, Massachusetts, this 28th of October, 2002.


Regina Minichello